

9/3/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Armando Soto

CRIMINAL COMPLAINT

Case Number: 2:22-MJ- 998

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about September 2, 2022 in Kenedy County, in the Southern District of Texas, defendant, **Armando Soto**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law


in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Ramon Mendoza**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:


Signature of Complainant
Ramon Mendoza Jr.
Printed Name of Complainant

September 3, 2022

DATE

at Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On September 2, 2022, at approximately 12:05 am, a blue Peterbilt, arrived at the Kingsville checkpoint for an immigration inspection. The agent greeted the driver, later identified as Armando SOTO, and asked how he was doing. SOTO calmly replied, "I'm doing fine." The agent asked SOTO if it was just him and the passenger on board. SOTO replied "Yes." As the agent was questioning SOTO, the agent noticed the front passenger staring at him with his mouth dropped open, with a shocked expression on his face, and eyes wide open. The agent continued to question SOTO as to where he was born. SOTO replied, "here in Texas." At this time, the agent directed his questioning to the front seat passenger, later identified as Oscar Rene CHAVEZ-Flores. The agent asked CHAVEZ where he was born. CHAVEZ immediately replied, "Si". The agent proceeded to ask CHAVEZ, now in Spanish, where he was born. The agent observed CHAVEZ look at SOTO in a manner that showed CHAVEZ did not know how to answer. The agent asked CHAVEZ if he had any identification. CHAVEZ stated "No." At this time, SOTO immediately looked to CHAVEZ and in Spanish yelled, "You don't have and I. D."? The agent not being satisfied with the immigration inspection referred the vehicle to secondary for further inspection.

Once in secondary, agents approached the blue Peterbilt tractor and while conducting an immigration inspection on CHAVEZ, an agent noticed five additional subjects in the sleeper area of the truck. The agents conducted an immigration inspection on all passengers, including CHAVEZ, and determined all passengers were illegally present in the United States from El Salvador and Honduras. At this time, SOTO was placed under arrest for Alien Smuggling and escorted into the checkpoint for further processing. The six illegal aliens were also placed under arrest for being illegally present in the United States and were escorted into the checkpoint for further questioning.

NOTE: On August 21, 2022, Armando SOTO was arrested at the Falfurrias, Texas Border Patrol Checkpoint as the principal on a failed 1 on 1 Alien Smuggling attempt. Case was administratively closed.

MIRANDA RIGHTS WARNING:

All subjects were advised of their Miranda Rights in their respective languages. All subjects acknowledged their rights. Material Witness, Oscar Rene CHAVEZ-Flores, agreed to provide a statement without an attorney present.

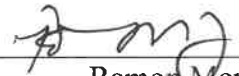
MATERIAL WITNESS STATEMENT (Oscar Rene CHAVEZ-Flores):

Oscar Rene CHAVEZ-Flores stated he illegally crossed into the United States approximately ten days ago near Nuevo Progreso, Tamaulipas. CHAVES stated he crossed in a group of six. CHAVEZ stated two of those subjects were in the tractor with him today. CHAVEZ stated he stayed at a house in an unknown area. CHAVEZ stated last night, at around 9:30 p.m. he was taken to the tractor located in an empty property. CHAVEZ stated when he got to the tractor, the

driver was already there. CHEVEZ stated the driver was not inside the tractor, but he was there. CHAVEZ stated the driver saw them get into the tractor. Once inside the tractor, CHAVEZ stated he sat in the front passenger seat next to the driver. CHAVEZ stated the driver just told them to get comfortable. CHAVEZ stated during the drive, the driver told him to say "Yes Sir" when asked by Border Patrol Agents if he was a United States Citizen. CHAVEZ stated he was heading to Houston, Texas but did not know if the driver was actually taking him to Houston or to another location. CHAVEZ stated he was to pay a total of \$12,000 dollars but has only paid a portion of it.

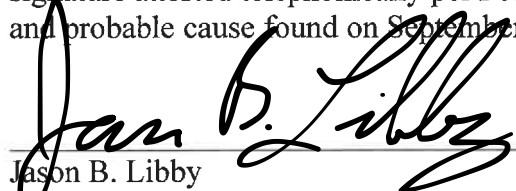
DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney's Office who accepted Armando SOTO for prosecution of 8 USC 1324, Alien Smuggling. Oscar Rene CHAVEZ-Flores will be held as a material witness in this case.



Ramon Mendoza Jr.
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on September 3, 2022.



Jason B. Libby
United States Magistrate Judge